

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:)
)
GOLDBERG et al.)
)
Serial No.: 09/502,285)
)
Filed: February 11, 2000)
)
Atty. File No.: 3367-2-2)
)
For: "A NETWORK GAMING)
SYSTEM")

Group Art Unit: 3714

Examiner: MOSSER, Robert E.

PETITION TO WITHDRAW HOLDING OF
ABANDONMENT UNDER 37 CFR
1.181(a)(3), OR IN THE
ALTERNATIVE, PETITION FOR
UNAVOIDABLE ABANDONMENT UNDER 37
CFR 1.137

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the USPTO communication of May 18, 2006, wherein Applicant's representative received a Notice of Abandonment, Applicant's representative hereby petitions under CFR 37 1.181(a)(3) for withdrawal of the holding of abandonment of the above-identified U.S. patent application. Alternatively, if the petition for withdrawal of the holding of abandonment is not granted, then (and only then) Applicant's representative hereby petitions under CFR 37 1.137(a) for unavoidable abandonment. Alternatively, if neither the petition for withdrawal of the holding of abandonment nor the petition for unavoidable abandonment are granted, Applicant's representative hereby preserves the right to file a petition for unintentional abandonment under CFR 37 CFR 37 1.137(b).

STATEMENT OF FACTS:

A Notice of Allowance for the present application was mailed July 1, 2004. The issue fee was paid August 30, 2004. On Feb. 17, 2005, Applicant's representatives filed the following papers by facsimile:

1. Submission of Revocation and Appointment of Power of Attorney,
2. Revocation and Appointment of Power of Attorney,
3. A transmittal entitled "Request to Amend Title of the Application" (a copy is provided herewith as **EXHIBIT A**). This transmittal includes a second request to change the application title that was previously requested in an Amendment and Response having an entry date at the USPTO of May 8, 2002. Note in providing this second request to change the title, Applicant's representative provided a copy of the entire previously filed Amendment and Response dated May 8, 2002 (the "2002 Amendment" herein), and clearly stated that a copy of this previously entered 2002 Amendment was being provided as evidence that Applicant's representative had previously attempted to amend the title.

It is believed that the "Submission of Revocation and Appoint of Power of Attorney" (item 1 above), and the "Revocation and Appointment of Power of Attorney" (item 2 above) may have been entered into the present application. However, the "Request to Amend the Title of the Application" (item 3 above) was NOT entered due to excessive facsimile distortion at the USPTO as detailed further below.

On Feb. 23, 2005 Applicant's representative filed both a petition to withdraw the present application from issue, and a Request for Continued Examination (RCE) together with a proper information disclosure statement (FORM 1449). Copies of the RCE, the information disclosure statement, the check submitted as payment for this RCE, and the return post card showing that this transmittal was received by the USPTO are provided herewith as **EXHIBIT B**. A notice granting the petition to withdraw was mailed to Applicant's representative on March 2, 2005. A copy of the granted petition is provided herewith as **EXHIBIT C**. However, the RCE is not shown on the PAIR system. Accordingly, it is now believed that the RCE was NOT entered.

On July 18, 2005, Applicant's representative received an Office communication from the USPTO (having a mailing date of July 14, 2005) stating that:

“The timely submission under 37 CFR 1.129(a) filed on February 17th, 2005 is not fully responsive to the **prior Office action** because the presented amendment contains excessive distortion making it impossible to ascertain the contents presented [in the] amendment and hence improper for examination.”

Applicant’s representative was given one month to respond, but extensions under 37 CFR 1.136(a) were stated to be available.

It appears that the Office communication of July 14, 2005 was the result of the copy of the previously entered 2002 Amendment provided in the facsimile of February 17, 2005 being determined by the USPTO to be a new Amendment and Response to be entered into the prosecution of the present application. However, this previous 2002 Amendment was apparently NOT entered only due to excessive facsimile distortion. It is important to note, that there was NO outstanding response due on any “**prior Office action**” since the last USPTO action was the Notice of Allowance of July 1, 2004.

On July 21, 2005, Applicant’s representative had a conversation with the Examiner of the present application wherein it was determined that the previously non-entered facsimile of Feb. 17, 2005 would be mailed to the Examiner via postal mail.

On July 22, 2005, Applicant’s representative mailed (via express mail) the papers (items through 3 above) previously submitted by facsimile together with an additional cover letter explaining that a change to the title of the present application is requested, and that this change had been requested in the previously entered in the 2002 Amendment, and further that a copy of this previous 2002 Amendment is being provided as evidence that Applicant’s representative had previously requested such title change. A copy of this cover letter is provided herewith as **EXHIBIT D**.

On May 22, 2006, Applicant’s representative received a Notice of Abandonment (mailed May 18, 2006). This Notice stated that the present application went abandoned due to Applicant’s failure to timely file a proper reply to the Office letter mailed on July, 14, 2005. Apparently, upon receiving the transmittal mailed to the Examiner on July 22, 2005, the USPTO again interpreted the copy of the previously entered 2002 Amendment as a proposed new Amendment and Response for entry in the present application. However, since this copy of the previously entered 2002 Amendment was originally filed when it was acceptable practice to not put page breaks between various sections (i.e., between amendments to the specification, and

amendments to the claims), and additionally when it was also acceptable practice to **not** identify the status of ALL claims that have been entered into the application, this previously entered 2002 Amendment and Response was not entered. Accordingly, the USPTO determined that no proper reply had been received that would be responsive to the Office communication of July 18, 2005 identified above. Thus the present application went abandoned for failure to respond.

According to the events recited above, is respectfully submitted that the USPTO erred as follows:

- (a) The USPTO determined that the copy of the previously entered 2002 Amendment should be re-entered even though the transmittal accompanying the copy of this previously entered 2002 Amendment and Response clearly stated that it was being provided as evidence that the change in the application's title had previously been entered. Moreover, this USPTO error apparently occurred twice, once when the facsimile of Feb. 17, 2005 was received, and once when the mailed copy of the previously entered 2002 Amendment and Response was reviewed by the USPTO;
- (b) The Office communication of July 18, 2005 was incorrect in that there was NO outstanding prior Office action to which Applicant's representative needed to reply, and accordingly the distorted facsimile should not have been identified as "not fully responsive"; and
- (c) The RCE filed on Feb. 23, 2005 was not entered even though received by the USPTO.

Accordingly, it is requested that abandonment of the present application be withdrawn under 37 CFR 1.181(a)(3) so that the RCE filed Feb. 23, 2005 can be entered, and the additional references that have been filed since the previous Notice of Allowance (of July 1, 2004) can be considered.

Since this petition is filed beyond the two month requirement under 37 CFR 1.181(a)(3), a terminal disclaimer is also being filed herewith disclaiming the time period (3 months) for which the present application has been abandoned. It is believed that this terminal disclaimer should only be entered if the withdrawal of the holding of abandonment under CFR 37 1.181(a)(3) is granted.

Applicant's representative is also submitting herewith for entry a new Amendment and

Response that is "fully responsive to the prior Office action". That is, this new Amendment and Response requests the change to the title of the present application as initially requested in the 2002 Amendment. However, NO copy of the 2002 Amendment is being provided since such a copy may again be interpreted by the USPTO as an amendment to be entered into prosecution of the present application.

In the alternative, if the petition for withdrawal of the holding of abandonment under CFR 37 1.181(a)(3) is NOT granted, Applicant's representative requests the granting of the petition under CFR 37 1.137(a) for unavoidable abandonment. It is believed that the recitation of the statement of facts above should show to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable. Note that this petition is being filed within 3 months of receiving the Notice of Abandonment of the present application.

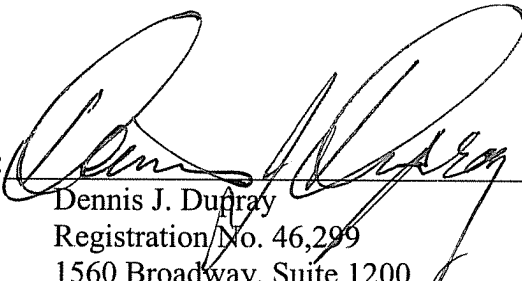
In the event that there are any questions or further clarifications that can be provided on the above-identified information, please contact the undersigned by phone at the number listed herein below.

It is believed that no fees are due with this transmittal since it is believed that the petition for withdrawal of the holding of abandonment should be granted. However, if any fees are due, e.g., for the petition fee as set forth in CFR §1.17(l) for unavoidable abandonment or for the Terminal Disclaimer provided herewith, please debit deposit account 19-1970.

Note that in either case, it is requested that the previously filed RCE identified in EXHIBIT B be entered once the present application is again pending.

Respectfully submitted,

By:


Dennis J. Dupray
Registration No. 46,299
1560 Broadway, Suite 1200
Denver, Colorado 80202-5141
(303) 863-9700

Date:

Aug. 18, 2006

EXHIBIT A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

GOLDBERG et al.

Serial No.: 09/502,285

Filed: February 11, 2000

Atty. File No.: 3367-2-2

For: (Old) "A NETWORK GAMING
SYSTEM" (New) "A NETWORKED
SYSTEM FOR PRESENTING
ADVERTISING"

Publishing Division

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

) Group Art Unit: 3714

) Examiner: MOSSER, Robert E.

) Confirmation No.: 4950

**REQUEST TO AMEND TITLE
OF APPLICATION**

CERTIFICATE OF FACSIMILE TRANSMISSION

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS
BEING SENT VIA FACSIMILE TO THE ASSIGNMENT
RECORDATION SERVICES OF THE UNITED STATES
PATENT AND TRADEMARK OFFICE, AT 703-872-9306 ON
THIS 17 DAY OF February, 2005.

SHERIDAN ROSS P.C.

BY: Chasity C. Rossum

Chasity C. Rossum

Dear Sir:

Applicants of the above-identified patent application respectfully request that the title of the application be changed to "A NETWORKED SYSTEM FOR PRESENTING ADVERTISING," as amended in an Amendment and Response filed with the U.S. Patent Office on May 8, 2002. A copy of the Amendment is attached herewith, along with a copy of the returned postcard receipt, which was acknowledged as received by the U.S. Patent Office and date-stamped May 8, 2002.

Applicants do not believe that any fees are due in connection with the filing of this application. However, in the event that any fees are due, it is requested that the undersigned attorney be contacted.

Respectfully submitted,

SHERIDAN ROSS P.C.

By: Dennis J. Dupray

Dennis J. Dupray
Registration No. 46,299
1560 Broadway, Suite 1200
Denver, Colorado 80202-5141
(303) 863-9700

Date: Feb. 17, 2005

J:\3367\2\2\To Be Filed\REQ-01-change of title.wpd

EXHIBIT B

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to:
Commissioner for Patents
Mail Stop RCE
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/502,285
Filing Date	February 11, 2000
First Named Inventor	GOLDBERG et al.
Title	"A NETWORKED SYSTEM FOR PRESENTING ADVERTISING" (as amended)
Examiner Name	MOSSER, Robert E.
Attorney Docket Number	3367-2-2

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

1. Submission required under 37 C.F.R. § 1.114

- a. ☐ Previously submitted:
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____ (Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____.
- iii. ☐ Other _____
- b. ☒ Enclosed:
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☒ Information Disclosure statement (IDS)
- iv. ☒ Other Petition Under 37 CFR 1.313 to Withdraw Application from Issue

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required).
- b. ☐ Other _____

3. Fees

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 19-1970.
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
- iii. ☒ Other Petition Under 37 CFR 1.313 to Withdraw Application from Issue
- b. ☐ Checks in the amounts of \$395.00 and \$130.00 are enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed).

EV493476467US

RESPECTFULLY SUBMITTED,

SHERIDAN ROSS P.C.

By: 

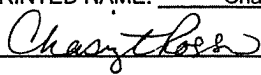
Dennis J. Dupray
Registration No. 46,299
1560 Broadway, Suite 1200
Denver, Colorado 80202-5141
Phone: (303) 863-9700
Facsimile: (303) 863-0223

"EXPRESS MAIL" MAILING LABEL NUMBER: EV493476467US

DATE OF DEPOSIT: February 23, 2005

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 CFR 1.10 ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO THE ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231.

TYPED OR PRINTED NAME: Chasity C. Rossum

SIGNATURE: 

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

GOLDBERG et al.

Serial No.: 09/502,285

Filed: February 11, 2000

Atty. File No.: 3367-2-2

For: "A NETWORKED SYSTEM FOR
PRESENTING ADVERTISING"
(as amended)

) Group Art Unit: 3714

) Examiner: MOSSER, Robert E.

) Confirmation No.: 4950

) **PETITION UNDER 37 CFR § 1.313**
) **TO WITHDRAW APPLICATION**
) **FROM ISSUE**

) Express Mail Label: EV493476467US

Mail Stop: 313(c)

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

It is respectfully petitioned that the above-identified application be withdrawn from issue under 37 CFR 1.313(c)(2) for consideration of a Request for Continued Examination in compliance with 37 CFR 1.114. Accordingly, a Request for Continued Examination is filed concurrently herewith to permit the USPTO to consider the new references provided in the Information Disclosure Statement. Because this withdrawal from issue is not the fault of the USPTO, please charge Deposit Account No. 19-1970 in the amount of \$130.00 pursuant to Section 1.17(i). Applicants believe no additional fees are due in connection with the filing of this paper. However, in the event that such fees are due, please charge Deposit Account No. 19-1970.

Respectfully submitted,
SHERIDAN ROSS P.C.

By: 

Dennis J. Dupray, Ph.D.

Registration No. 46,299

1560 Broadway, Suite 1200

Denver, Colorado 80202-5141

Phone: (303) 863-9700

Fax: (303) 863-0223

Dated: Feb. 23, 2005

SHERIDAN ROSS P.C.

PROFESSIONAL ACCOUNT
ATTORNEYS AND COUNSELORS AT LAW
1560 BROADWAY, SUITE 1200
DENVER, COLORADO 80202
(303) 863-9700

WELLS FARGO BANK, N.A.
DENVER
DENVER, CO 80274
23-7-1020

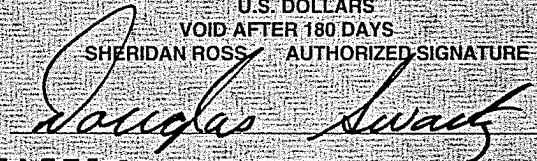
24398

DATE 02/22/05 CHECK NO. 24398 CHECK AMOUNT *\$130.00*

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VENDOR NO.

VENDOR NAME

24398

TRANSACTION DATE	REFERENCE	GROSS AMOUNT	DEDUCTION	NET AMOUNT
02/22/05	OPER-CCR to Withdraw from Issue Petition	3367-2-2	1122000	130.00

CHECK DATE	CHECK NO.	TOTAL GROSS	TOTAL DEDUCTION	CHECK AMOUNT
02/22/05	24398			

SHERIDAN ROSS P.C.
PROFESSIONAL ACCOUNT
ATTORNEYS AND COUNSELORS AT LAW
1560 BROADWAY, SUITE 1200
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(303) 863-9700

WELLS FARGO BANK, N.A.
DENVER
DENVER, CO 80274
23-7-1020

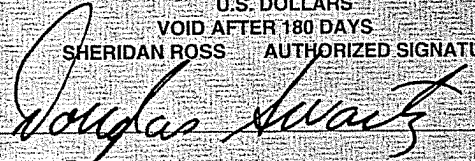
24399

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THREE HUNDRED NINETY FIVE AND 00/100 DOLLARS

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COMMISSIONER OF PATENTS AND TRADEMARKS

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SHERIDAN ROSS AUTHORIZED SIGNATURE



⑈024399⑈ ⑆102000076⑆ 2016571796⑈

SHERIDAN ROSS

VENDOR NO.

VENDOR NAME

24399

TRANSACTION DATE	REFERENCE	GROSS AMOUNT	DEDUCTION	NET AMOUNT
02/22/05	OPER-CCR	Request for Continued Examination 3367-2-2	1122000	395.00

CHECK DATE	CHECK NO.	TOTAL GROSS	TOTAL DEDUCTION	CHECK AMOUNT
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<input type="checkbox"/> AM <input type="checkbox"/> PM	Int'l Alpha Country Code	COD Fee	Insurance Fee	<input type="checkbox"/> WAIVER OF SIGNATURE (Domestic Only) Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.			
Weight 2 lbs. 8 ozs.	No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials h	Total Postage & Fees \$ 21.05	NO DELIVERY <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday <input type="checkbox"/> Customer Signature			
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FROM: (PLEASE PRINT) 3450 CLAY AVE 1550 BROADWAY STE 1200 DENVER CO 80202-0149				TO: (PLEASE PRINT) COMMISSIONER FOR PATENTS PO BOX 1450 ALEXANDRIA VA 22313-1450 315 (0)			

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Date: 2-23-05

PTO Stamp indicates receipt of: [X] Patent Matter [] Trademark Matter

Initial: CCR

Date: 2-23-05

PTO Stamp indicates receipt of: [X] Patent Matter [] Trademark Matter

Application Docket No.: 3367-2-2

Applicant: GOLDBERG et al.

Title or Mark: "A NETWORKED SYSTEM FOR PRESENTING ADVERTISING" (as amended)

Serial/Reg. No.: 09/502,285

Filed/Issued Date: February 11, 2000

☐ Certificate of Mailing☒ Express Mail No.: EV493476467US☒ Check for \$395.00 and \$130.00

LIST ALL DOCUMENTS BEING SENT TO PATENT OFFICE:

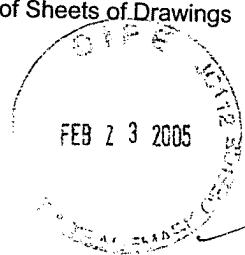
Petition Under 37 CFR 1.313 to Withdraw Application from Issue
 Request for Continued Examination
 Information Disclosure Statement
 Form PTO-1449 (copies of refs. encl.)

RECEIVED
 MAR 04 2005
 SHERIDAN, ROSS

No. of Pages in Specification

No. of Pages in Claims

No. of Sheets of Drawings



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:)	Group Art Unit: 3714
)	
GOLDBERG et al.)	Examiner: MOSSER, Robert E.
)	
Serial No.: 09/502,285)	Confirmation No.: 4950
)	
Filed: February 11, 2000)	INFORMATION DISCLOSURE
)	STATEMENT
Atty. File No.: 3367-2-2)	
)	Express Mail Label: EV493476467US
For: "A NETWORKED SYSTEM FOR)	
PRESENTING ADVERTISING")	
(as amended))	

Mail Stop: Amendments
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The references cited on attached Form PTO-1449 are being called to the attention of the Examiner.

☒ Copies of the cited references are enclosed herewith.

☐ Copies of the cited U.S. patents and/or U.S. patent application publications are not enclosed in accordance with the waiver dated July 11, 2003, whereby patent applications filed after June 30, 2003 and international applications that have entered the national stage under 35 U.S.C. § 371 after June 30, 2003 need not submit copies of U.S. patents and U.S. patent application publications.

☐ Are not enclosed, in accordance with 37 C.F.R. 1.98(d), because the references were submitted to the U.S. Patent and Trademark Office in prior application Serial No. _____ filed _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120.

☐ To the best of applicants' belief, the pertinence of the foreign-language references are believed to be summarized in the attached English abstracts and in the figures, although applicants do not necessarily vouch for the accuracy of the translation.

☒ Examiner's attention is directed to the following co-pending application(s) for which priority is not being claimed, copy of which is being submitted herewith:

Serial No. 10/994,054 filed November 18, 2004 (Atty. Dckt. No. 3367-2-2-1-1)

☐ Examiner's attention is directed to the following co-pending application(s), to which the current application claims priority, copies of at least the claims for such pending application are provided or have been provided:

Serial No. _____ filed _____ (Atty. Dckt. No. _____)

Submission of the above information is not intended as an admission that any item is citable under the statutes or rules to support a rejection, that any item disclosed represents analogous art, or that those skilled in the art would refer to or recognize the pertinence of any reference without the benefit of hindsight, nor should an inference be drawn as to the pertinence of the references based on the order in which they are presented. Submission of this statement should not be taken as an indication that a search has been conducted, or that no better art exists.

It is respectfully requested that the cited information be expressly considered during the prosecution of this application and the references made of record therein.

FEES

<input checked="" type="checkbox"/>	<p>37 CFR 1.97(b): No fee is believed due in connection with this submission, because the information disclosure statement submitted herewith satisfies one of the following conditions ("X" indicates satisfaction):</p> <div style="margin-left: 20px;"> <input type="checkbox"/> Within three months of the filing date of a national application other than a continued prosecution application under 37 CFR 1.53(d), or <input type="checkbox"/> Within three months of the date of entry into the national stage of an international application as set forth in 37 CFR 1.491 or <input type="checkbox"/> Before the mailing date of a first Office Action on the merits, or <input checked="" type="checkbox"/> Before the mailing of a first Office action after the filing of a Request for Continued Examination (RCE) under 37 CFR 1.114. </div> <p>Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to Deposit Account 19-1970.</p>
<input type="checkbox"/>	<p>37 CFR 1.97(c): The information disclosure statement transmitted herewith is being filed after all the above conditions (37 CFR 1.97(b)), but before the mailing date of one of the following conditions:</p> <div style="margin-left: 20px;"> (1) a final action under 37 C.F.R. 1.113 or (2) a notice of allowance under 37 C.F.R. 1.311, or (3) an action that otherwise closes prosecution in the application. </div> <p>This Information Disclosure Statement is accompanied by:</p> <div style="margin-left: 20px;"> <input type="checkbox"/> A Certification (below) as specified by 37 C.F.R. 1.97(e). Although no fee is believed due, if any fee is deemed due in connection with this submission, please charge such fee to Deposit Account 19-1970. </div> <p style="text-align: center;">OR</p> <div style="margin-left: 20px;"> <input type="checkbox"/> A check in the amount of \$180.00 for the fee set forth in 37 C.F.R. 1.17(p) for submission of an information disclosure statement. Please credit any overpayment or charge any underpayment to Deposit Account No. 19-1970. </div>
<input type="checkbox"/>	<p>37 CFR 1.97(d): This Information Disclosure Statement is being submitted after the period specified in 37 CFR 1.97(c).</p> <div style="margin-left: 20px;"> <input type="checkbox"/> This information Disclosure Statement includes a Certification (below) as specified by 37 C.F.R. 1.97(e) </div> <p style="text-align: center;">AND</p> <div style="margin-left: 20px;"> <input type="checkbox"/> Applicants hereby requests consideration of the reference(s) disclosed herein. Enclosed is the fee in the amount of \$180.00 under 37 C.F.R. 1.17(p). Please credit any overpayment or charge any underpayment to Deposit Account No. 19-1970. Please credit any overpayment or charge any underpayment to Deposit Account No. 19-1970. Election to pay the fee should not be taken as an indication that applicant(s) cannot execute a certification. </div>

Certification (37 C.F.R. 1.97(e))
(Applicable only if checked)

☐ The undersigned certifies that:

☐ Each item of information contained in this information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement. 37 C.F.R. 1.97(e)(1).

☐ A copy of the communication from the foreign patent office is enclosed.

OR

☐ No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. 1.56(c) more than more than three months prior to the filing of this statement. 37 C.F.R. 1.97(e)(2).

Respectfully submitted,

SHERIDAN ROSS, P.C.

By: 

Dennis J. Dwyer
Registration No. 46,299
1560 Broadway, Suite 1200
Denver, CO 80202-5141
TELEPHONE: 303-863-9700
FAX: 303-863-0223

Date: Feb. 23, 2005

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FORM PTO-1449 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)	ATTY. DOCKET NO. 3367-2-2	SERIAL NO. 09/502,285
	APPLICANT GOLDBERG et al.	
	FILING DATE February 11,2000	GROUP ART 3714

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROP.
	1	6,457,025	9/24/2002	Judson	715	501.1	
	2	6,185,586	2/6/2001	Judson	715	513	
	3	5,737,619	4/7/1998	Judson	715	500	
	4	5,586,937	12/24/1996	Menashe	463	41	
	5	10/994,054		Goldberg et al.			11/18/2004

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION	
							YES	NO

OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)

	6	"Game Credits: Published Games"; <i>International hobo</i> ; (date unknown); 7 pp.
	7	Goldberg; "The History of Coomputer Gaming Part 5 - PLATO Ain't Just Greek"; (date unknown); 3 pp.
	8	Koster; "Raph's Page: Online World Timeline"; <i>Ralph's Website, gaming section</i> ; February 20, 2002; 37 pp.
	9	Markowitz; "War Dewar Mega Wars: Multiplayer Online Tactical Combat"; September 1, 2000; 6 pp.

EXAMINER	DATE CONSIDERED
*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

EXHIBIT C



UNITED STATES PATENT AND TRADEMARK OFFICE

DJD

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
www.uspto.gov

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MAR 07 2005

SHERIDAN, ROSS

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MAR 02 2005

In re Application of
Sheldon F. Goldberg et al
Application No. 09/502,285
Filed: February 11, 2000
Attorney Docket No. 3367-2-2

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OFFICE OF PETITIONS

ON PETITION

This is a decision on the petition, filed February 23, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on September 2, 2004 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

The examiner of Technology Center AU 3714 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

EXHIBIT D

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

GOLDBERG et al.

Serial No.: 09/502,285

Filed: February 11,2000

Atty. File No.: 3367-2-2

For: "A NETWORKED SYSTEM
FOR PRESENTING ADVERTISING"

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

) Group Art Unit: 3714

) Examiner: MOSSER, Robert E.

) **RESPONSE TO USPTO**
) **COMMUNICATION DATED**
) **JULY 14, 2005**

) "EXPRESS MAIL" MAILING LABEL NUMBER: EV556791768US

) DATE OF DEPOSIT: July 22, 2005

) I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING
) DEPOSITED WITH THE UNITED STATES POSTAL SERVICE VIA
) "EXPRESS MAIL" ADDRESSED TO THE COMMISSIONER FOR
) PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450.

TYPED OR PRINTED NAME: Chasity C. Rossum

SIGNATURE: 

Dear Sir:

EV556791768US

In response to the USPTO communication of July 14, 2005, wherein Applicant's representatives were informed that Applicants' previous transmittal of February 17, 2005 was not fully responsive and could not be entered due to excessive facsimile distortion, Applicant's representatives request entry of the following from such previous transmittal:

1. Request To Amend Title Of The Application.
2. Revocation And Appointment Of Power Of Attorney.

Note, it is presumed that the previous transmittal filed July 14, 2005 was not entered. Thus, the pending claims are currently believed to be identical to those that have been most recently allowed.

However, it is requested that the Examiner reconsider the pending claims in light of the IDS's that have been filed with, and subsequently to, the Request for Continued Examination filed on February 23, 2005.

It is believed that no fees are due with this transmittal. However, if any fees are due, please debit deposit account 19-1970.

Application No. 09/502,285

"Response to USPTO Communication dated July 14, 2005"

Please contact the undersigned via phone at 303.863.2975 with any concerns. If the undersigned cannot be reached, please contact Joe Kovarik at 303.863.2977.

Respectfully submitted,

SHERIDAN ROSS P.C.

By: 

Dennis J. Dupray, Ph.D.

Registration No. 46,299

1560 Broadway, Suite 1200

Denver, Colorado 80202-5141

(303) 863-9700

Date: July 22, 2005

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